

STATE OF NORTH CAROLINA

File No.

19 CVS

3050

PITT

County

FILED

In The General Court Of Justice
Superior Court Division

2019 OCT 25 A 9:35

IN THE MATTER OF CUSTODIAL LAW ENFORCEMENT AGENCY RECORDING SOUGHT BY:

PITT CO., C.S.C.

Name Of Petitioner

Police Benevolent Association of North Carolina, Inc. and
North Carolina Fraternal Order of Police

Address

c/o Peter J. Romary, Esq.
Law Office of Peter Romary
147 Ellsworth Manor Drive

City, State, Zip

Hillsborough, NC 27278

Phone No.

(919) 359-1103

Fax No.

(919) 359-1192

Email Address

peter.romary@qverity.com

PETITION FOR RELEASE OF CUSTODIAL LAW ENFORCEMENT AGENCY RECORDING

☐ G.S. 132-1.4A(f) – Person authorized to receive disclosure
(No Filing Fee Applies)

☒ G.S. 132-1.4A(g) – General
(CVS Filing Fee Applies)

I, the above-named petitioner, request the release of a custodial law enforcement agency recording to Peter J. Romary, Attorney. State that at least some portion of the law enforcement agency recording was made in this county, and I further state the following: Petitioners request all relevant video/recorded footage from static/pole mounted (traffic/public safety) cameras covering the area of 1) East Fifth Street and Reade Street in Greenville, NC and 2) East Fifth Street and Cotanche Street in Greenville, NC between approximately 9:00 pm on Wednesday, September 25, 2019 and 2:30 am on Thursday, September 26, 2019 showing Mr. Dan Gerlach in this area and otherwise approaching, walking up to, entering a vehicle (believed to be a gold colored Nissan), and then driving away from said location. Petitioners more specific request for release is stated in Attachment A, which is hereby made a part of this Petition.

(Please see Attachment A)

(Include date and approximate time of activity captured in the recording, or otherwise identify the activity with particularity sufficient to identify the recording at issue.)

CERTIFICATE OF SERVICE ON HEAD OF CUSTODIAL LAW ENFORCEMENT AGENCY

I certify that a filed copy of this Petition was served on the head of the custodial law enforcement agency as follows:

☒ Personal Delivery

☐ By Regular Mail, US postage prepaid, addressed as follows:

Mark R. Holtzman
Chief of Police
Greenville Police Department
500 South Greene Street
Greenville, NC 27834

Note: Also copied Assistant City Attorney Donald K. Phillips by email to: dkphillips@greenvillenc.gov

CERTIFICATE OF SERVICE ON DISTRICT ATTORNEY

I certify that a filed copy of this Petition was served on the District Attorney as follows (only required for general release):

☒ Personal Delivery

☐ By Regular Mail, US postage prepaid, addressed as follows:

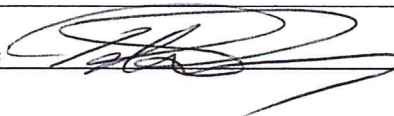
The Honorable Faris C. Dixon
Pitt County District Attorney
Pitt County Courthouse
100 West 3rd Street
Greenville, NC 27858

Date

10/25/19

Petitioner's Signature

Peter J. Romary, Attorney for Petitioners



STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 19 CVS _____

IN THE MATTER OF CUSTODIAL)
LAW ENFORCEMENT AGENCY)
RECORDING SOUGHT BY:)
POLICE BENEVOLENT ASSOCIATION)
OF NORTH CAROLINA, INC. and)
NORTH CAROLINA FRATERNAL)
ORDER OF POLICE,)
Petitioners.)

ATTACHMENT A

As set forth in the Petition to which this Attachment is incorporated by reference, it is requested that the City of Greenville/Greenville Police Department shall release, to Petitioners, by and through their attorney, Peter J. Romary, Esq., any and all footage/recordings from static/pole mounted (traffic/public safety) cameras as set forth below:

1. Footage of the area outside of the area of Sup Dogs (East Fifth Street/Reade Street), Greenville, NC between approximately 9:00 pm to 10:50 pm on Wednesday, September 25, 2019, particularly any footage showing Mr. Dan Gerlach.
2. Footage of the area outside of the area of Club 519 (East Fifth Street/Cotanche Street), Greenville, NC between approximately 10:40 pm on Wednesday, September 25, 2019 to approximately 1:30 am on Thursday, September 26, 2019, particularly any footage showing Mr. Dan Gerlach.
3. Footage showing the area of (East Fifth Street/Cotanche Street), Greenville, NC between approximately 1:40 am to 2:00 am on Thursday, September 26, 2019, particularly any footage showing Mr. Dan Gerlach.
4. Footage showing the area of 212 East Fifth Street (East Fifth Street/Reade Street), Greenville, NC between approximately 2:00 am to 2:30 am on Thursday, September 26, 2019, particularly any footage showing Mr. Dan Gerlach, especially footage of Mr. Dan Gerlach approaching, walking up to, and entering a vehicle (believed to be a Gold colored Nissan) and then driving away from said location.



PAID